

VIRGINIA:

IN THE UNITED STATES DISTRICT COURT
FOR THE CLERK'S OFFICE U.S. DIST. COURT
WESTERN DISTRICT OF VIRGINIA AT ROANOKE, VA
FILED

Robert Louis Winslow # 1095286
Plaintiff

AUG 12 2022

JULIA C. DUDLEY, CLERK
BY: J. Beeson
DEPUTY CLERK

-V-

Complaint No. 7:22CV466-D

Glenn Youngkin, Jason S. Miyares, Todd Gilbert,
Winsome Earle-Sears, Dick Saslaw, Terry Kilgore,
Thomas Norment Jr., Charniele Herring, and Harold Clarke
Defendants et al

COMPLAINT

JURISDICTION & VENUE

1. This is a civil action authorized by 42 U.S.C. §1983 and §1985 to redress the deprivation rights and the conspiracy to deprive rights secured by the Constitution of the United States under the color of state law. This court has jurisdiction under 28 U.S.C. §1331 and §1343 (a)(3). This court also has supplemental jurisdiction under 28 U.S.C. §1367. Plaintiff seeks declaratory relief pursuant to U.S.C. section §2201 and §2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. §2284 and Rule 65 of the Federal Rules of Civil Procedure.
2. The United States District Court for the Western District of Virginia, is an appropriate venue under 28 U.S.C. §1391 (b)(2) because it is where the events giving rise to this claim occurred.

PLAINTIFF

3. Robert Louis Winslow is and was at all times mentioned herein a prisoner of the state of Virginia in the custody of the VA D.O.C.. He is currently confined at Green Rock Correctional Center, 475 Green Rock Lane, Chatham, Va. 24531.

DEFENDANTS

4. Glenn Youngkin: Governor of Virginia.

5. Jason S. Miyares: Attorney General of Virginia.

6. Virginia General Assembly: Legislative Body, (speaker, Todd Gilbert), (Senate President, Winsome Earle-Sears), (Majority Leader for the Senate, Dick Saslaw), Majority Leader for the House, Terry Kilgore), (Minority Leader for the Senate, Thomas Norment Jr.), Minority Leader for the House, Charniele Herring).

7. Harold Clarke: Director of the Department of Corrections.

Each defendant is sued in his/her official and individual capacity. At all times mentioned in this complaint, each defendant acted under the color of state law.

FACTS

8. House Bill 5148, an act to amend and reenact §53.1-202.3 of the Code of Virginia distinguishes between violent and non-violent felons, limiting earned sentence credits for one felon while enhancing credits for the other, as of July 1, 2022.

9. Prior to the abovementioned date, as of July 1, 1995, Virginia abolished parole and all felons earned a maximum of 4.5 days of good time allowance for every 30 days served.

10. The recidivism rate overall for the state of Virginia is 23.4%, violent recidivism is at a rate of 20%, non-violent recidivism is at a rate of 25.3%, and drug offense recidivism is at a rate of 19.4%, according to the VA D.O.C. Research-Evaluation Unit as of October of 2021.

11. Rehabilitation is a staple and the ultimate goal of the Virginia Department of Corrections and it is determined by the Plaintiffs compliance with all treatment plans, his adherence to all institutional rules, and his disciplinary record.

}

12. The system of earned sentence credits catagorizes the Plaintiff as not worthy of earning what is available to similarly situated persons, although both may be in full compliance with overall treatment plans and all rehabilitative efforts assigned to the pursuant to §53.1-32.1 of the Virginia Code, the Plaintiff is excluded from earning the maximum of 15 days for every 30 served due to the nature of his crime alone.

13. Qualified Immunity is inapplicable to the defendants as the alleged violations were done knowingly, willingly, intentionally, and deliberately.

14. Sovereign Immunity is inapplicable to the defendants as they are servants of the people, elected officers of the state of Virginia, and all have a law degree which is need to perform their duties as elected officers. The defendants acted wontonly, in a gross negligent manner or beyond the scope of their employment.

LEGAL CLAIMS

15. The Plaintiff was deprived of his rights and privileges under the equal protection clause of the 14th Amendment of the United States Constitution when the defendants conspired to discriminate against him through the construction of House Bill 5148.
16. The Plaintiff's right to an equal protection of the laws under the 14th Amendment has been violated under the color of state law, House Bill 5148, as being enforced discriminates against the Plaintiff for the nature of his felony.
17. There is no rational basis for the deprivation of rights or privileges provided by or within House Bill 5148. The Plaintiff's exclusion from these rights or privileges are a violation of the equal protection clause of the 14th Amendment under the United states Constitution.

REQUEST FOR RELIEF

Wherefore the Plaintiff respectfully prays that this Honorable Court grant the following:

18. > A declaration that the acts described herein violated the rights of the Plaintiff under federal law and the Constitution of the United States of America;
19. > A preliminary and permanent injunction ordering the Defendants to cease the disparity, (unequal treatment), where they only provide certain felons with enhanced good time sentence credits of prisoners and not providing it to all members of a category;
20. > Nominal Damages of \$1.00;
21. > Plaintiff's cost; and
22. > Other such relief as it may appear that the Plaintiff is entitled to.

VERIFICATION

23. I have read the foregoing complaint and hereby verify the matter alleged are true, except as to matters alleged on information, belief, or derivative thereof, and, as to those I believe them to be true and correct.

Robert Lewis Winslow
Signature/Date
8/8/22

CERTIFICATION OF SERVICE

24. I, Robert Lewis Winslow, inmate #1095286, do hereby certify that the foregoing complaint was sent to the following by U.S. Postal/certified mail on this 8 th day of August, 2022:

United States District Court
for the Western District of Virginia
210 Franklin ^{BS} S.W. Suite 540
Roanoke, VA 24011-2208

P.O. Box 1000

Chatham, VA 24531

Green Rock Correctional Center

United States Di
for the
Western District
210 Franklin Road
Roanoke, Va. 24011

The DOC has neither censored
nor inspected this item and
assumes no responsibility



US POSTAGE TM PITNEY BOWES

ZIP 24531 \$ 001.92⁰
02 4W
0000371086 AUG 09 20

strict Court

- of Virginia
5 W. suite 540
- 2208